

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DISTRICT**

**SHANE JACKSON and
CATHERINE JACKSON,**

Plaintiffs,

v.

Docket No. _____

**ALLSTATE INSURANCE
COMPANY,**

Defendant.

NOTICE OF REMOVAL

Defendant, ALLSTATE INSURANCE COMPANY, hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Circuit Court of Carroll County, Tennessee and Plaintiffs, SHANE JACKSON and CATHERINE JACKSON, that the action described herein and filed in the Circuit Court of Carroll County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Eastern Division pursuant to 28 U.S.C. § 1441.

1. On April 26, 2012, Plaintiffs, SHANE JACKSON and CATHERINE JACKSON, filed a civil action bearing Docket No. 12CV23 against the Defendant, ALLSTATE INSURANCE COMPANY and HUNTINGDON INSURANCE AGENCY, in the Circuit Court of Carroll County, Tennessee. Service of the complaint and summons was made upon CT Corporation, the designated statutory agent of the Defendant, on May 2, 2012, by certified mail through the Department of Insurance of the State of Tennessee. By Order dated January 31, 2013, the Circuit Court of Carroll County granted the Motion for

Summary Judgment of Defendant Huntingdon Insurance Agency, a non-diverse defendant, making the present matter removable for the first time since its inception.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant, ALLSTATE INSURANCE COMPANY, and insuring Plaintiffs' real property and contents in Carroll County, Tennessee which was allegedly destroyed by fire occurring on or about April 27, 2012. Plaintiffs also make claims of statutory bad faith and violation of the Tennessee Consumer Protection Act.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332. Specifically, the complaint demands damages to dwelling in the amount of \$74,466.22, plus \$8,000.00 for personal property losses, plus a 25% penalty for bad faith plus treble damages for violation of the Tennessee Consumer Protection Act.

4. Plaintiffs, SHANE JACKSON and CATHERINE JACKSON, are residents and citizens of the State of Tennessee and were citizens of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant, ALLSTATE INSURANCE COMPANY, is a corporation incorporated in Illinois, with its principal place of business in Northbrook, Illinois. Huntingdon Insurance Agency, which was a non-diverse defendant, has been dismissed from the action as outlined above creating complete diversity between the remaining parties. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number 12CV23 is removed from the Circuit Court of Carroll County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

 s/ Russell E. Reviere

Russell E. Reviere (BPR No. 07166)

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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon counsel Plaintiff:

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by mailing postage prepaid or by delivery to the person or office of such counsel.

This the 6th day of February, 2013.

 s/ Russell E. Reviere

